

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-1102

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Alexei Koutsko,

Petitioner,

v.

John Ashcroft, Attorney General  
of the United States,

Respondent.

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\* Petition for Review of an  
\* Order of the Board of  
\* Immigration Appeals.  
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\* [UNPUBLISHED]  
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Submitted: April 7, 2004

Filed: April 15, 2004

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Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

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PER CURIAM.

Alexei Koutsko, a citizen of Russia, petitions for review of an order of the Board of Immigration Appeals affirming an Immigration Judge's (IJ's) denial of Koutsko's application for asylum. After careful review of the record, we deny the petition because substantial evidence on the record as a whole supports the denial of asylum. See Menendez-Donis v. Ashcroft, No. 02-3692, 2004 WL 307451, at \*3 (8th Cir. Feb. 19, 2004) (standard of review). Koutsko argues that he suffered past persecution on account of his Jewish faith or ethnicity. Prior to leaving the former

Soviet Union in 1991, however, he received a college education, maintained employment, and served in the naval reserve without harassment. Although Koutsko received several threats and was once physically assaulted, a reasonable fact-finder could agree with the IJ that these incidents did not rise to the level of persecution. See Fisher v. INS, 291 F.3d 491, 497-98 (8th Cir. 2002) (one episode of threats and physical roughness was insufficient to show past persecution); Lim v. INS, 224 F.3d 929, 936 (9th Cir. 2000) (unfulfilled threats alone do not constitute past persecution, unless threats are so menacing as to cause significant actual suffering or harm).

Nor did Koutsko establish a well-founded fear of future persecution. Since Koutsko left over ten years ago in 1991, the Soviet Union has collapsed and the newly founded Russian government guarantees religious freedom. While some societal discrimination against Jews continues, the Russian federal government has condemned anti-Semitism and has sought to address the problem. See Menjivar v. INS, 259 F.3d 940, 942 (8th Cir. 2001) (fear of future persecution was not well-founded because events on which it was based occurred decade prior and conditions in El Salvador had markedly improved since).

Accordingly, we deny the petition.

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